

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHARLES NEAR,

Plaintiff(s),

v.

USAA SAVINGS BANK,

Defendant(s).

Case No. 2:20-CV-1015 JCM (VCF)

ORDER

Presently before the court is defendant USAA Savings Bank's ("USAA") motion to compel arbitration. (ECF No. 5). This motion is unopposed.

Also before the court is defendant USAA's motion to dismiss or stay the case. (ECF No. 7). In response, plaintiff Charles Near filed a cross motion to stay the case. (ECF No. 9).

The parties are in agreement that arbitration is necessary. (ECF Nos. 5 & 9). This court grants defendant's motion to compel arbitration as unopposed.

In light of the foregoing, this court finds that stay is appropriate pending arbitration. "A district court 'has broad discretion to stay proceedings as an incident to its power to control its own docket' in an effort to promote judicial economy." *DeMartini v. Johns*, 693 F. App'x 534, 538 (9th Cir. 2017). Judicial economy is served through stay as opposed to dismissal.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant USAA Savings Bank's ("USAA") motion to compel arbitration (ECF No. 5) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that defendant USAA Savings Bank's motion to dismiss is DENIED. (ECF No. 7).

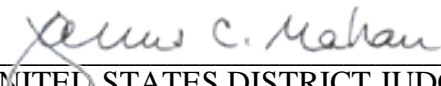
IT IS FURTHER ORDERED that defendant USAA Savings Bank's motion to stay is GRANTED. (ECF No. 7).

1 IT IS FURTHER ORDERED that plaintiff Charles Near's cross motion to stay is
2 GRANTED. (ECF No. 9).

3 IT IS FURTHER ORDERED that the matter of *Charles Near v. USAA Savings Bank*,
4 case number 2:20-cv-01015-JCM-VCF, be, and the same hereby is, STAYED pending
5 arbitration.

6 IT IS FURTHER ORDERED that the parties shall file a status report before this court
7 within 7 days of the conclusion of arbitration at which point the stay shall be lifted.

8 DATED July 15, 2020.

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UNITED STATES DISTRICT JUDGE